

Rethinking Re-use

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Re-use of soils

- Single largest “dollar” issue for redevelopment sites
 - T&D = \$45 - \$165/ ton
 - Analytical costs and consulting costs can double or triple expenses
- Redevelopment projects are often “pro forma challenged”
- Re-use can be critical to success

Re-use of soils

- Multiple agencies are trying to facilitate brownfield redevelopment
 - Cities (SB 32)
 - Redevelopment Agencies (Polanco)
 - Transit Agencies, Ports, Schools

Re-use of soils

- “Regulated” waste is usually not hazardous – classifications stem from early DOT purposes.
- WDRs are intended to assess and limit impacts to water bodies or streams.
- Clear guidance can be elusive!

Re-use of soils

- WDRs have become the key tool for re-use decisions : but there is an imperfect link between them and actual “threat to the state’s waters”
- General WDRs are the only published (i.e. reliable) re-use guides

Re-use of soils

Multiple public agencies have proposed formation of a Working Group under the SA/M process so regulators and project proponents can share experience and knowledge

Re-use of soils

- Pending Issues:

- When is a WDR *NOT* required...?
When it stays on site?
- Can we establish guidelines that
address “impacts to waters...”?
- Can we clarify how health risk analyses
can be used with WDRs for reliable and
consistent re-use decisions?

Re-use of soils

- SB 32 and the “Look-up tables”
- Current progress at Cal-EPA
- Can it be adopted?
 - Guidelines, in table form, for concentrations,
 - depth to ground water or distance from stream,
 - soil types...?

Re-use of soils

- Critical to have a reliable guide to when the “General” WDR can be used
- Decisions at projects are often time-critical
- Cost differentials are cost-critical
- Projects can be “community critical”!

Re-use of soils

- Inert Wastes

Title 27, section 20230:

That subset of solid waste that does not contain hazardous waste or pollutants at concentrations in excess of applicable water quality objectives (and no decomposable waste).

Re-use of soils

- Inert waste does not need to follow LDRs
- General WDRs or Waivers can
Issue for inert waste
- Area of Contamination (AOC)

Can these be additional tools for re-use?

Re-use of soils

- What problems does the General WDR trigger?
 - Timing considerations
 - 120 day horizon is too long
 - Receiving owner obligations
 - Monitoring obligations
 - Transactional obligations
 - Title obligations
- Is this necessary?

Re-use of soils

- Current constraints:
 - Single General WDR for fuel impacts
 - What about lead (Pb)?
 - PAHs? Burn ash? VOCs?
 - Are levels lower than is necessary for adequate protection?
 - Are costs and benefits being weighed?
 - Is the landfill lobby a problem?

Re-use of soils

■ Conclusions

- Brownfield redevelopment projects are a benefit to the environment, providing jobs and affordable housing while conserving valuable open space.
- Smart re-use policies will directly increase the number of redevelopment projects the public can facilitate.

Re-use of soils

■ Conclusions

- Re-use of soil can save millions of dollars.
- Current guidance for re-use is not as clear as it could be.
- The SB 32 “model” provides an opportunity for success.
- Formation of a working group is warranted and appropriate.